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10/728,680

12/05/2003

Ivan Jesus Fernandez-Corbaton

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QUALCOMM INCORPORATED
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SAN DIEGO, CA 92121

EXAMINER

MANOHARAN, MUTHUSWAMY GANAPATHY

ART UNIT

PAPER NUMBER

2617

NOTIFICATION DATE

DELIVERY MODE

02/26/2009

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte: IVAN JESUS FERNANDEZ-CORBATON,
SRIKANT JAYARAMAN and CHARLES WHEELER SWEET III

Application No. 10/728,680
Technology Center 2600

Mailed: 25 February 2009

Before LAWRENCE J. BANKS *Paralegal Specialist*
BANKS, *Paralegal Specialist*.

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received by the Board of Patent Appeals and Interferences on 16 December 2008. A review of the application revealed that it is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner to address the following matter(s) requiring attention prior to docketing.

AMENDMENT AFTER FINAL

A review of the file indicates that on 2 January 2008 Appellant filed an Amendment After Final in response to the Final Rejection mailed 2 November 2008. It is not clear whether this Amendment has been considered because an Advisory Action has not been mailed or because box 7 of an Advisory Action mailed 22 February 2008 fails to indicate whether or not the proposed amendment will or will not be entered for purposes of appeal. Clarification from the Examiner is required.

CONCLUSION

Accordingly, it is

ORDERED that the application is returned to the Examiner to:

- 1) appropriately respond to the Amendment After Final;
- 2) vacate the Examiner's Answer mailed 28 August 2008;
- 3) provide a new Examiner's Answer including a correct "Status of Amendment" section in addition to correction to other sections as required; and
- 4) for such further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

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